

MINUTES OF BOARD MEETING

January 15, 2003
City Council Chambers
City of La Quinta
78-495 Calle Tampico
La Quinta, CA 92253

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Vice-Chair Gary Johnson at 10:00 a.m. on January 15, 2003, in the City Council Chambers, City of La Quinta, California.

1. Board Member Roll Call

Present: John Benson, Gary Johnson, Leon Lesicka, Brenda Soulliere, and Nancy Wright

Absent: None

2. Staff Present

Jeff Allred, Adnan Al-Sarabi, Jose Angel, Sheila Ault, John Carmona, Maria de la Paz Carpio-Obeso, Liann Chavez, Jose Figueroa-Acevedo, Rosalyn Fleming, Teresa Gonzales, Phil Gruenberg, Abdi Haile, Kirk Larkin, Michele Ochs, Kola Olatunbosun, Yetunde Omilana, Robert Perdue, Logan Raub, Judy Reed, Maribel Rodriguez, Jonathan Rokke, Joan Stormo, Doug Vu, Soni Wells, Doug Wylie, and Nadim Zeywar

3. Others Present

Ellen Beacon, Earth Systems Southwest
Steve Bigley, Coachella Valley Water District
Steve Charlton, Imperial Irrigation District
Chris Copeland, Wintec
Felix De Leon, City of El Centro
Nancy Woo, U.S. EPA
Mario Escalera, Imperial Irrigation District
Doug Liden, U.S. EPA
Michael Luhrs, Private Citizen, resident of Joshua Tree
Sam Milliken, Private Citizen
Lavelle Lesicka, Private Citizen
Lori Okun, State Water Resources Control Board - OCC
Scott Stormo, Earth Systems Southwest
Joe Zuback, U.S. Filter

4. Minutes

Meeting of November 13, 2002

MOTION: Ms. Wright moved, Mr. Benson seconded, and motion carried unanimously that the Minutes be approved as submitted.

5. Resolution No. R7-2003-0013, Expressing Appreciation to the Family of Michael A Smith

Mr. Johnson read the Resolution expressing appreciation to the family of Michael A Smith, who passed away on November 2, 2002.

MOTION: Ms. Wright moved, Mr. Benson seconded, and motion carried unanimously that Resolution No. R7-2003-0013 be adopted.

6. Uncontested Waste Discharge Requirements

NPDES Permits

KL	R7-2003-0001	Imperial County Gateway to the Americas County Service Area, Owner, Water Quality Specialists of San Diego, Inc., Operator, Gateway of the Americas County Service Area Wastewater Treatment Plant; Wastewater Collection and Disposal Systems – East of Calexico, Imperial County (New Order)
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Waste Discharge Requirements

DVV	R7-2003-0007	County of Riverside, Owner, City of Blythe, Operator, Airport Sewage Treatment Plant, Wastewater Collection and Disposal Systems – West of Blythe, Riverside County (Updated Order)
	R7-2003-0005	Change of Name and/or Ownership
CS	96-040	Norge Village Laundromat Yucca Valley, San Bernardino County
JC	01-103	Mesquite Lake Resource Project Imperial, Imperial County
	R7-2003-0002	Rescission/Termination of Waste Discharge Requirements
CS	88-136	SSRA– Mecca Beach North Shore, Riverside County
CS	88-134	SSRA - Headquarters North Shore, Riverside County
KL	00-120	Terra Organics International Indian Wells, Riverside County

MOTION: Mr. Benson moved, Mr. Lesicka seconded, and motion carried unanimously that Board Orders No. R7-2003-0001, R7-2003-0002, R7-2003-0005, and R7-2003-0007, including the errata, be adopted.

7. Election of Chair and Vice Chair for 2003

MOTION: Mr. Benson nominated Gary Johnson to serve as Chair, Ms. Wright seconded, and motion carried unanimously. Mr. Lesicka nominated Nancy Wright to serve as Vice-Chair, Mr. Johnson seconded, and motion carried unanimously.

8. Public Hearing

Consideration to Adopt Proposed Resolution No. R7-2003-0008: Waiver of Waste Discharge Requirements for Specific Types of Discharges

The hearing was called to order. The Vice-Chair read the opening statement and those planning to testify took the appropriate oath.

Jon Rokke, Regional Board staff, gave a presentation regarding the waiver of waste discharge requirements for specific types of discharges.

Mr. Rokke described SB 390. He explained that the discharge categories considered to be a low threat were included in the proposed resolution. Other categories of discharges would be dealt with separately.

The Public Hearing was closed.

Mr. Gruenberg recommended adoption of proposed Resolution No. R7-2003-0008.

MOTION: Ms. Wright moved, Mr. Johnson seconded, and motion carried unanimously that Resolution No. R7-2003-0008, including the errata, be adopted.

A roll call was taken as follows:

Ayes: Mr. Benson, Mr. Johnson, Mr. Lesicka, Ms. Soulliere, and Ms. Wright

Nays: None

9. Public Forum

Mr. Michael Luhrs, private citizen and resident of Joshua Tree, addressed the Board regarding the discharge of contaminated water by Joshua Basin Water District onto desert land. Mr. Luhrs asked why penalties were not assessed by the Regional Board. Mr. Gruenberg, Regional Board Executive Officer, explained that staff issued a general permit and a strong letter warning of future consequences for discharging without a permit. Mr. Gruenberg further explained that the Department of Fish and Game would be most the appropriate lead agency on issues regarding habitat degradation.

Mr. Luhrs alleged falsification of the permit application by Joshua Basin Water District. Ms. Lori Okun, Office of Chief Counsel, explained that Joshua Basin Water District has been in compliance with the permit since it was issued but the permit was not retroactive. The Regional Board has the discretion to issue an administrative civil liability complaint for the prior, unpermitted discharge, but would have to consider such factors as economic benefit to the discharger, past history of violations, response to Regional Board investigation, etc.

Mr. Luhrs stated that he thinks the discharge adversely affected water quality.

Liann Chavez, Regional Board staff, said that Regional Board staff investigated the area of the discharge and although it was apparent large volumes of water had been discharged into the desert without a permit, causing washout and erosion, the threat to water quality appeared to be low.

Ms. Wright recommended that the Regional Board do outreach to make water purveyors aware of permitting requirements.

10. U.S. Filter Presentation by Joe Zuback on the Salton Sea

Mr. Zuback presented a proposal for reclaiming some of the drainage water flowing into the Salton Sea including providing new and stable habitat around the shoreline of the sea, along with dust control measures and provisions for salt storage.

Mr. Gruenberg discussed a modified version of the U.S. Filter proposal prepared by Regional Board staff.

11. Border Pollution – Staff Discussion

Jose Angel, Regional Board staff, gave an overview of pollution problems in the New River originating in Mexicali, and presented a strategy to address the problems.

Nancy Woo, United States Environmental Protection Agency (U.S. EPA), gave a presentation that defined the role of U.S. EPA on Border Pollution.

Ms. Woo stated that the U.S. EPA's role is to help fund water and wastewater infrastructure projects to meet "U.S. norms". The U.S. EPA also administers funds available to the State and Regional Board for border technical support and monitoring of the New River.

She also discussed short-term projects and long-term solutions associated with the New River Pathogen Total Maximum Daily Load.

Mr. Benson requested a yearly update on the projects. Mr. Gruenberg stated that he anticipates updates at each Board meeting until satisfactory results are achieved.

12. Meaders Cleaners

There were no representatives/owners present at the meeting.

13. Reportable Violations of the California Water Code

Kola Olatunbosun, Regional Board staff, gave a brief update for the period of July 2002 through September 2002. Mr. Olatunbosun stated that there were a total of 128 violations for this time period. This was an increase from the previous quarter's total of 89 violations. As a result of these violations staff intends to issue administrative civil liability complaints imposing Minimum Mandatory Penalties for seven NPDES facilities. The penalty amounts presently total \$228,000.

- 14. The presentation by Lori T. Okun, Staff Counsel, State Water Resources Control Board, on the State Board's Enforcement Policy was deferred until the March 12, 2003 Board Meeting.**

15. Informational Update on State Board Activities

Pete Silva was unable to attend the meeting.

Ms. Okun reported that the State Board has proposed legislation to reduce the number of Regional Board members on all the Regional Boards from nine to seven. This would reduce the number for a quorum to four.

The State Board denied various petitions for modifications of the permit for the Imperial Irrigation District Water Transfer, although the State Board made minor clarifications to the prior order.

A newspaper report questioned whether State Board Member Richard Katz's work in an advisory capacity for the Governor's office would require him to resign as a Board Member. However, Mr. Katz is eligible to remain on the State Board.

16. Regional Board Executive Officer's Report

Mr. Gruenberg reported that Rosalyn Fleming, Regional Board staff, received a Certificate of Appreciation from the American Society of Civil Engineers and American Public Works Association for her work in the Storm Water Program.

17. Regional Board Staff Reports

Michele Ochs, Regional Board staff, gave an update on CalEnergy geothermal plants.

Staff has been and will be working with CalEnergy on several geothermal issues. These include: 1) issuance of two "Notice of Violation" for violations in monitoring data from holding basins at Elmore and Leathers Power Plants, 2) process refining being done at CalEnergy's zinc plant, and 3) preparation of a new WDR for the proposed Salton Sea Unit 6 Power Plant.

Teresa Gonzales, Regional Board staff, reported the following on Total Maximum Daily Load Development:

The New River Silt TMDL was approved by State Board on November 19, 2002, and by OAL on January 13, 2003.

Imperial Valley Drains Silt TMDL will be prepared for three drains that currently show impairment. Peer review is scheduled April through July 2003. CEQA review is scheduled to take place between August and November 2003.

Staff is working on a numeric target report for Salton Sea nutrients and monitoring the three major tributaries.

A Regional Board staff report on pathogen in Palo Verde drainageways is scheduled to be peer reviewed March through June 2003. CEQA review will take place between July and September 2003.

The Coachella Valley Storm Water Drain Pathogen Total Maximum Daily Load Quality Assurance Project Plan has been completed. Monitoring has been delayed due to contract delays.

18. Regional Board Member Comments

Ms. Wright reported that she attended the New River Tour in Mexicali on November 26, 2002, and added that she did not attend the tour in December due to budget limitations for out-of-state travel.

19. Regional Board Chair's Report

Mr. Johnson announced that Dr. Dan Baxley has resigned as a Board Member.

20. Adjournment

The meeting adjourned at 1:21 p.m.